

Epa interview/ Bridget Walsh/ Jesse Aviles/ Jennifer Chergo EAP, REgion 8  
April 12, 2019, 2PM.

Dear Jesse and Jennifer,

I know that we just have one hour for me to express my questions and concerns to you about the Site, OU1 and the delisting. In recognition of the time constraint and your openness to hear my concerns, I have prepared a list of my questions for your consideration. There are, of course, many more unanswered questions and concerns.

Please feel free to contact me. 720.440.3562 / denverbridget@gmail.com

- (1) How is EPA Region 8 determining whether the remedy selected for OU1 was effective and continuing to protect the citizens?
- (2) What data is EPA Region 8 collecting to confirm the efficacy of the remedy selected for OU1?
- (3) Why do CDPHE and EPA Region 8 operate so differently inside CCoD than anywhere else in Region VIII?
- (4) What kind of agreement or understanding led CDPHE and EPA Region 8 to back-off any meaningful investigations or remedial actions? .
- (5) Was the remedy selected by EPA Region 8 for OU1 the best that EPA could offer because the state refused any remedy that left the state responsible for implementing long-term or perpetual clean up action?
- (6) Why did EPA limit the focus of their investigation of contaminants of concern to arsenic and lead when it was well documented in available CDOT and Pinyon reports that there were many, many other contaminants of concern in OU1. Community members expressed their fears about the other contaminants and asked that the EPA investigate?
- (7) Why did EPA Region 8 not adhere to their own protocol about expanding their investigation when new contaminants are found as they have been in OU1?
- (8) Why did EPA Region 8 proceed with a questionable and still unproven remediation in OU1 especially when residents expressed their concerns ?
- (9) Why did EPA Region 8 consistently fail to maintain a file of all documents pertaining to the Valdez Bl. /I-70 Superfund Site (Site), including OU1, at the Valdez Branch of the Public Library for public review? ( I confirmed this on two occasions) .

(10) Why did EPA Region 8 post documents regarding the Site, including OU1, on a private, password protected service, that only one EPA Employee, Jess Aviles, had the ability to issue the password to give the public access to the public documents.

(11) Why did EPA Region 8 withhold documents requested by the Community Advisory Group (CAG) or its advisors for unreasonable lengths of time, that prevented the CAG from executing its charge to effectively advise the EPA before actions were taken?

(12) Why did the EPA refuse to attend CAG monthly meetings when the CAG expressed its interest in having the EPA available to answer questions about the multitude of events that were happening in the Site and in OU1 and OU2?

(13) Why did the EPA Region 8 fail to respond to the five recommendations made to it by the CAG, including one asking that OU1 not be delisted in view of the fact that many questions about the efficacy of the remedy selected by EPA Region 8 to address the contamination in OU1, remained?

(14) Why did EPA Region 8 fail to respond to the points raised in the presentation by Chuck Norris, technical advisor to the CAG, pointing out that EPA documents and his own investigations, failed to support the theory that the contamination in OU1 came from air fall from smelter smoke stacks?

(15) Why did EPA Region 8, when they realized that their own experts did not know where the contamination in OU1 came (documented in multiple EPA documents) from, fail to test soil deep down, in and around, foundations of contaminated homes, schools and parks? It was well known that infill from questionable sources had been used to raise the level of the neighborhoods for initial development.

(16) Why did EPA Region 8, conclude that commercial and public sites (streets) in OU1 did not need to be tested for contamination when it was obvious that the zoning in OU1 allowed for commercial operations to be housed right next to residences, schools and parks?

(17) Why did EPA Region 8 give Denver permission to do a Time Critical Removal Action to dig an open storm water drainage ditch, to support a state highway project, an expansion and lowering of Highway I 70 that was designed to support commercial development in the Mayors "Corridor of Opportunity", right next to homes in OU1, under an unremediated street (39th Avenue), when there was no emergency such as an oil spill or train wreck that would last no more than 6 months?

(18) Why did EPA Region 8 fail to respond to reports of health threatening contamination in the soil that Denver was digging up under 39th Ave., right next to homes in OU1?

(19) Why did EPA Region 8 fail to provide services and support to this CAG as outlined in EPA regulations and documents including the EPA, 2016 SuperfundCommunity Involvement Handbook, and even abandoned the CAG after serious documented doubts were raised about the effectiveness of EPA Region 8 remedy for contamination of homes in OU1?

(20) Why did EPA Region 8 fail to hold well advertised public hearings on the delisting of OU1?

(21) Why did EPA Region 8 fail to advertise any of the CAG meetings, except once, in a small community paper?

(22) Why did EPA Region 8 fail to post CAG meeting notices, agendas ,minutes, Resolutions and other CAG documents on the EPA web site?

(23) Why did EPA Region 8 fail to post a complete set of pubic documents for the Site on its web site ?

(24) Why did EPA Region 8 withhold documents pertaining to the delisting our OU1 from the CAG, depriving it of fulfilling its legal mandate to advise the EPA before actions are taken by EPA.

(25) Did EPA Region 8 conspire with or encourage other state and city agencies to stop attending CAG meetings once serious questions were raised by experts about work in OU1 and OU2?

(26) A landslide of new scientific information has accumulated to show that EPA method of determining risk to humans and to the environment is not only dated but may subject both to damage and unhealthy conditions. Why has the EPA not up dated their methods to take into account information that has been available since the early 2000's regarding the impacts of exposure to compound contaminants. Why has EPA not abandoned its now debunked theory that the lower the dose the safer the poison?

(27) Why was there no EPA Region 8 investigation of reported health impacts of living in OU1, from people who had lived there for years? For example, reported cancers of various types, heart ailments , respiratory disease, neurological disorders, obesity diabetes, learning disabilities etc. Did EPA investigate reports of health impacts that transcended generations, from exposure to identified endocrine disrupting chemicals ( including arsenic and lead) in the area?

(28) How did EPA Region 8 conclude that levels it set for arsenic,( 70 ppm) and lead in OU1 were safe and protective of human health when all recent scientific data suggests that there is no safe level of these contaminants and that the smallest does can have a bigger impact that a larger does depending on when the person is exposed.

(29) Did EPA Region 8 support their determination of acceptable levels of arsenic and lead with research that shows impacts on children and pregnant women?

(30.)When will the 2019 5 year Review for OU1 be completed?

(31) Has the EPA Region 8 followed up to find out if the controls that they put in place to notify tenants and new owners living in un remediated properties in OU1, that they would be living in an un remediated property in a Superfund Site? How is this being done and by whom?

(32) Is EPA Region 8 aware that CDPHE has refused to post this CAG's documents, agendas, minutes etc. because they are under the incorrect perception that a CAG exists only if it has obtained a TAG grant? Has EPA Region 8 moved to correct this error?

(33) Were property owners in OU1 notified by EPA Region 8, of the partial deletion of OU1?

(34) Why did EPA Region 8 not insist that Denver test ground water and analyze it for content when they gave permission for Denver to dig an open storm water ditch in OU1 and an outfall in OU2?

(35) Why has EPA not prevailed upon CDPHE to discover the source for the leachate flowing from the superfund land fill at GLO? It appears that contaminated ground water is flowing directly into the South Platte River perhaps in violation of the US Clean Water Act.

(36) Why was Denver a PRP, allowed to run the CAG meetings in the formative months of the CAG?

(37) Why is EPA Region 8 still including the assertion that some of the arsenic contamination in OU1 came from pesticide use by homeowners ( a claim first made by ASARCO) when that myth has been debunked by scientific analysis , for years?

(38) Why has EPA not included risks associated with deadly nano particles of PM in its health evaluations? It has been known for years that these are the deadliest forms of PM pollution and that they travel for miles on the wind potentially impacting the health of people far from the Site.

(39) Why was the EPA toxicologist who presented to the CAG still selling the discredited information about the lower the dose the safer the contamination? According to the Endocrine Society , scientist have known since at least 2009 that that theory is not only incorrect but very misleading.?

(40) Why did EPA not request CDOT to come to the CAG meetings since CDOT owns property in OU1 and was demolishing properties that could have exposed residents to contamination?

(41) Why is EPA not moving to protect the health and safety of children who attend schools in the Site located less than 500 feet from a polluting highway where they are exposed to pollution including benzene, that makes them sick and shortens their lives?

(42) Where can we find the EPA "Proposed Plan" for OU1?

(43) Why is only one staff member of EPA Region 8, allowed to have control over a One Drive account where he stores public records for people allowed access? These documents should be freely available to the public for their inspection.

(44) Why does EPA Region 8 not afford the services and opportunities to this CAG that are seemingly showered on other CAGs in the state?

(45) Where is EPA cost breakdown for OU1?

(46) Which contractors performed the remediation?

(47) What was the involvement of the Army Corps of engineers in the remediation of OU1?

(48) Where are the reports from the EPA grants that were given to the community group that preceded the CAG?

(49) Has EPA considered the requests to form a new OU4 to address the many concerns about the quality of the remediation and the impact of commercial properties on residents of OU1?

There are many more unanswered questions that I and other members of the CAG have. I hope that EPA will reconsider their decision to not attend our CAG meetings. The 4.5 Square Mile Vasquez B. / I -70 Superfund site is set to undergo massive amounts of development and robust, informed citizen involvement and oversight will be crucial.

Thank you for your consideration.

Bridget Walsh

CAG Member